



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

STEVEN DOUGLAS ALTMAN,
Plaintiff,

vs.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,
Defendant.

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CIVIL ACTION NO. 1:16-cv-2959-MGL

ORDER

This matter is before the Court on Plaintiff's Motion for Attorney's Fees and Costs under the Equal Access to Justice Act (EAJA) filed on May 22, 2017. *See* 28 U.S.C. § 2412. Plaintiff requests an award of \$2,756.25 in attorney's fees and \$420.04 in expenses. Defendant does not object to Plaintiff's request for a total award of \$3,176.29, with \$2,756.25 in attorney's fees, \$400.00 in costs, and \$20.04 in expenses.¹

In accordance with *Astrue v. Ratliff*, 560 U.S. 586, 595-98 (2010), EAJA fees awarded by this Court belong to the litigant, thus subjecting EAJA fees to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)), and, therefore, this Court directs fees be payable to Plaintiff and delivered to Plaintiff's counsel. Accordingly,

¹ Defendant notes Plaintiff seeks \$20.04 for certified mailing fees as "costs," but certified mailing fees are a form of postage and are considered "expenses" under the EAJA. *See* 28 U.S.C. §§ 2412(d)(2)(A), 2412(d)(2)(4). Plaintiff's request for certified mailing fees will therefore be included in the amount of expenses rather than costs.

IT IS ORDERED that Plaintiff's motion under the EAJA is granted in the amount of \$2,756.25 in attorney's fees, \$400.00 in costs, and \$20.04 in expenses.

IT IS SO ORDERED.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

Dated: May 25, 2017
Columbia, South Carolina